

IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHANDIGARH

HYBRID HEARING

BEFORE HON'BLE SHRI LALIET KUMAR, JM
AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकरअपीलसं./ ITA No.110 /CHANDI/2025

Society for Clinical Gastroenterology Block F, PGI, Sector 12, UT Chandigarh. 160012.	बनाम/ Vs.	CIT (Exemption) Chandigarh.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AAXTS-2427-E		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	Sh. Harish Nayyar (CA) – Ld. AR
प्रत्यर्थीकीओरसे/ Respondent by	:	Shri Rajat Kumar Kureel (CIT) – Ld. DR

सुनवाईकीतारीख/ Date of Hearing	:	30-06-2025
घोषणाकीतारीख / Date of Pronouncement	:	04-07-2025

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aggrieved by rejection of registration application as filed by the assessee seeking approval u/s 80G(5)(iii) vide impugned order dated 02-12-2024 of Ld. CIT(Exemptions), Chandigarh [CIT(E)], the assessee is in further appeal before us. Upon perusal of Para-4 of the impugned order, it could be seen that the application has been rejected for the reason that the assessee did not commence any activity since its existence. In the absence of any activity, nature and genuineness of the charitable activities could not be determined and accordingly, the

application was rejected. Aggrieved, the assessee is in further appeal before us.

2. From the car records / facts, it emerges that the assessee was set up on 20-03-2018 and it was registered under Societies Registration Act. The assessee was granted registration u/s 12A w.e.f. AY 2019-20 onwards pursuant to the order of the Tribunal. Subsequently, the assessee was granted provisional approval u/s 80G for the period 06-04-2022 to AY 2024-25. The assessee sought permanent registration which got rejected vide impugned order for the reason that it did not commence its activities. As per the proviso (iii) to sub-section (5), the assessee is required to apply for registration at least 6 months prior to expiry of period of provisional approval or within 6 months of commencement of its activities, whichever is earlier. The Ld. AR has argued that it has nowhere been stated that registration could not be granted in the absence of commencement of activities by the trust. To support the same, Ld. AR has referred to certain decisions of the Tribunal. However, we find that as per clause (ii) of second proviso, the registering authority may call for such documents or information from the assessee or could make appropriate inquiries so as to satisfy himself about (A) the genuineness of activities of such institution or fund; and (B) the fulfillment of all the conditions laid down in clauses (i) to (v). It is an undisputed fact that the assessee has not commenced its activities and therefore, the genuineness of activities of the assessee-trust could not be ascertained. No such material has been shown to us. In such a case, the registration, in our considered opinion, has rightly

been denied by Ld. CIT(E). The decision of Delhi Tribunal in M/s Just Be Foundation Trust (ITA No.3678/Del/2018) has been rendered in the contest of pre-amended law. The decision of Jaipur Tribunal in the case of Hemda Medi Resources Pvt. Ltd. (ITA N.679/JP/2015) is distinguishable on facts and would not apply to the facts of the present case before us. Therefore, we upheld the impugned order.

3. The appeal stand dismissed.

Order pronounced on 04-07-2025.

Sd/-
(LALIET KUMAR)
JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

Dated: 04-07-2025.

आदेश की प्रतिलिपि अग्रेषित /Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT CHANDIGARH